

### **Remarks**

Claims 6, 7, 19, 21, 25, 29, 37, 39, 43, 44, 48 and 49 are pending in this application. Claims 1-5, 8-18, 20, 22-24, 26-28, 30-36, 38, 40-42, 45-47, 50-56 have been cancelled herein without prejudice. Claims 6, 19, 21, 25, 29, 37, 39, 43, 44, 48 and 49 are being amended to clarify the claimed invention and to place the claims in better condition for allowance. No new matter has been introduced by virtue of the present amendments. Applicant respectfully requests reconsideration of the above application in view of the present amendments and the following remarks.

### **Allowable Subject Matter**

The Examiner states that claims 6, 7, 19, 21, 25, 29, 37, 39, 43, 44, 48 and 49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and complying with double patenting statutes. Accordingly, the Applicants amend claims 6, 19, 21, 25, 29, 37, 39, 43, 44, 48 and 49 in independent form to include all limitations of the base claim and any intervening claims. Claim 7 depends on allowable claim 6, and is therefore patentable because of the limitation of claim 6 as well as its own limitations.

### **Rejection Of Claim 56 Under 35 U.S.C. § 112 As Reciting A Limitation With Insufficient Antecedent Basis**

Claim 56 recites the limitation the "method of claim 54" in claim 54. According to the Examiner, there is insufficient antecedent basis for this limitation in the claim. Without acquiescing to the Examiner's rejection, the Applicants cancel claim 56 without prejudice, thus obviating the Examiner's rejection. Withdrawal of this rejection is kindly solicited.

**Rejection Of Claims 1-3, 26, 27, 45 And 46 Under  
35 U.S.C. § 102(b) As Being Anticipated By *Pare***

The Examiner rejected claims 1-3, 26, 27, 45 and 46 under 35 U.S.C. § 102(b) as being anticipated by *Pare* (U.S. Patent No. 6,230,148). Without acquiescing to the Examiner's rejection, the Applicants cancel claims 1-3, 26, 27, 45 and 46 without prejudice, thus obviating the Examiner's rejection. Withdrawal of this rejection is kindly solicited.

**Rejection Of Claims 4, 5, 9, 12-14, 28, 30-32, 34 And 47  
Under 35 U.S.C. § 103(a) As Being Unpatentable  
Over *Pare* In View Of Official Notice**

The Examiner rejected claims 4, 5, 9, 12-14, 28, 30-32, 34 and 47 under 35 U.S.C. § 103(a) as being obvious over *Pare* in view of official notice. Without acquiescing to the Examiner's rejection, the Applicants cancel claims 4, 5, 9, 12-14, 28, 30-32, 34 and 47 without prejudice, thus obviating the Examiner's rejection. Withdrawal of this rejection is kindly solicited.

**Rejection Of Claims 8, 10 and 11 Under 35 U.S.C. § 103(a)  
As Being Unpatentable Over *Pare* In View Fedtalk**

The Examiner rejected claims 8, 10 and 11 under 35 U.S.C. § 103(a) as being obvious over *Pare* in view of Fedtalk, financial services update of the Federal Reserve Bank of Boston. Without acquiescing to the Examiner's rejection, the Applicants cancel claims 8, 10 and 11 without prejudice, thus obviating the Examiner's rejection. Withdrawal of this rejection is kindly solicited.

**Rejection Of Claims 15-18, 20, 22-24, 33, 35, 36, 38, 40-42 and  
50-56 Under 35 U.S.C. § 103(a) As Being Unpatentable  
Over *Pare* In View Of JCR Financial Services**

The Examiner rejected claims 15-18, 20, 22-24, 33, 35, 36, 38, 40-42 and 50-56 under 35 U.S.C. § 103(a) as being obvious over *Pare* in view of JCR Financial Services. Without acquiescing to the Examiner's rejection, the Applicants cancel claims 15-18, 20, 22-

24, 33, 35, 36, 38, 40-42 and 50-56 without prejudice, thus obviating the Examiner's rejection. Withdrawal of this rejection is kindly solicited.

**Conclusion**

A check in the amount of \$ 336.00 is enclosed to cover the additional claims filing fee. Please charge any additional fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978 -- a duplicate of the first page of this paper is enclosed for that purpose.

For the foregoing reasons, Applicant believes that the Office Action of July 16, 2002 has been fully responded to. Consequently, in view of the above amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, which allowance is respectfully submitted.

Respectfully submitted,

**PATRICK M. PHILLIPS**

By Matthew M. Jakubowski  
Matthew M. Jakubowski  
Reg. No. 44,801  
Attorney for Applicant

Date: 5/27/3

**BROOKS & KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075  
Phone: 248-358-4400  
Fax: 248-358-3351

*Attachment*

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

6. (Amended) A method for using one or more computers to electronically clear and cash a check submitted to an on-line merchant from an on-line consumer by electronic means comprising the steps of:

accepting an input of check information submitted by consumer;

[The method of claim 4 further comprising the step of] comparing the routing number to a database to determine if the paper routing number provided by the consumer matches the electronic routing number needed to process the on-line transaction[.];

verifying the accuracy of the check information;

presenting the check information for clearing through the Federal Reserve's Automated Clearing House;

debiting the consumer's checking account from which the check was drawing in an amount indicated in the check information; and

crediting the merchant's account in the amount indicated in the check information.

19. (Amended) A method for using one or more computers to electronically clear and cash a check submitted to an on-line merchant from an on-line consumer by electronic means comprising the steps of:

accepting an input of check information submitted by consumer;

verifying the accuracy of the check information;

presenting the check information for clearing through the Federal Reserve's Automated Clearing House;

debiting the consumers checking account from which the check was drawing in an amount indicated in the check information;

crediting the merchant's account in the amount indicated in the check information;

wherein if the check is returned by the Automated Clearing House, an additional processing step is conducted comprising determining the reason why the check was returned.

wherein if the reason for the return is that the consumer's checking account has insufficient funds or uncollected funds, additional processing is performed comprising:

presenting the check information to the Automated Clearing House for a second presentment; and

notifying the merchant that the check was returned when it was first presented,

wherein if the check is returned by the Automated Clearing House after the second presentment, additional processing is conducted comprising the steps of:

determining why the check was returned;

notifying the merchant that the check was returned after the second presentment;

debiting the merchant's account by the amount indicated in the check information; and

[The method of claim 18 further comprising the step of] refunding to the merchant's account one or more processing fees paid by the merchant.

21. (Amended) A method for using one or more computers to electronically clear and cash a check submitted to an on-line merchant from an on-line consumer by electronic means comprising the steps of:

accepting an input of check information submitted by consumer;

verifying the accuracy of the check information;

presenting the check information for clearing through the Federal Reserve's Automated Clearing House;

debiting the consumers checking account from which the check was drawing in an amount indicated in the check information; and

crediting the merchant's account in the amount indicated in the check information;

wherein if the check is returned by the Automated Clearing House, an additional processing step is conducted comprising determining the reason why the check was returned,

wherein if the reason for the return is that the consumer's checking account has insufficient funds or uncollected funds, additional processing is performed comprising:

presenting the check information to the Automated Clearing House for a second presentment; and

notifying the merchant that the check was returned when it was first presented,

wherein if the check is returned by the Automated Clearing House after the second presentment, additional processing is conducted comprising the steps of:

determining why the check was returned;

notifying the merchant that the check was returned after the second presentment; and

debiting the merchant's account by the amount indicated in the check information,

wherein if the reason for the second return is that the consumer's checking account has insufficient funds or uncollected funds, additional processing is performed comprising:

during a predetermined time period, attempting to verify whether the consumer's account has funds available; and

presenting the check information to the Automated Clearing House for a third presentment either when the predetermined time period has expired or when the consumer's account has funds available, whichever occurs first,

[The method of claim 20] wherein the predetermined time period is between about thirty and sixty days.

25. (Amended) A method for using one or more computers to electronically clear and cash a check submitted to an on-line merchant from an on-line consumer by electronic means comprising the steps of:

accepting an input of check information submitted by consumer;

verifying the accuracy of the check information;

presenting the check information for clearing through the Federal Reserve's Automated Clearing House;

debiting the consumers checking account from which the check was drawing in an amount indicated in the check information;

[The method of claim 24 further comprising the step of] refunding to the merchant's account one or more processing fees paid by the merchant[.]; and crediting the merchant's account in the amount indicated in the check information.

wherein if the check is returned by the Automated Clearing House, an additional processing step is conducted comprising determining the reason why the check was returned,

wherein if the reason for the return is that the consumer's checking account has insufficient funds or uncollected funds, additional processing is performed comprising:

presenting the check information to the Automated Clearing House for a second presentment; and

notifying the merchant that the check was returned when it was first presented.

wherein if the check is returned by the Automated Clearing House after the second presentment, additional processing is conducted comprising the steps of:

determining why the check was returned;

notifying the merchant that the check was returned after the second presentment; and

debiting the merchant's account by the amount indicated in the check information.

wherein if the reason for the second return is that the consumer's checking account has insufficient funds or uncollected funds, additional processing is performed comprising:

during a predetermined time period, attempting to verify whether the consumer's account has funds available; and

presenting the check information to the Automated Clearing House for a third presentment either when the predetermined time period has expired or when the consumer's account has funds available, whichever occurs first.

wherein if the check is returned by the Automated Clearing House after the third presentment, additional processing is conducted comprising the steps of:

notifying the merchant that the check was returned after the third presentment; and



debiting the merchant's account by the amount indicated in the check information.

29. (Amended) An apparatus comprising one or more computers capable of executing one or more programs to electronically clear and cash a check submitted to an on-line merchant from an on-line consumer by electronic means by carrying out the following steps:

accepting an input of check information submitted by a consumer;

verifying the accuracy of the check information;

presenting the check information for clearing through the Federal Reserve's Automated Clearing House;

verifying the check information to ensure that the bank routing number submitted by the consumer is valid and correct.

[The apparatus of claim 28 wherein the procedure carried out by the apparatus further comprises the step that] if the routing number provided by the consumer is a correct paper routing number, but not a correct electronic routing number, the check information is modified to substitute the correct electronic routing number for the paper routing number provided by the consumer[.];

debiting the consumer's checking account from which the check was drawn in an amount indicated in the check information; and

crediting the merchant's account in the amount indicated in the check information.

37. (Amended) An apparatus comprising one or more computers capable of executing one or more programs to electronically clear and cash a check submitted to an on-line merchant from an on-line consumer by electronic means by carrying out the following steps:

accepting an input of check information submitted by a consumer;

verifying the accuracy of the check information;

presenting the check information for clearing through the Federal Reserve's Automated Clearing House;

debiting the consumer's checking account from which the check was drawn in an amount indicated in the check information;

[The apparatus of claim 36 with performs the further step comprising] refunding to the merchant's account one or more processing fees paid by the merchant[.]; and

crediting the merchant's account in the amount indicated in the check information.

if the check is returned by the Automated Clearing House, additional processing is conducted to determine the reason why the check was returned,

if the reason for the return is that the consumer's checking account has insufficient funds or uncollected funds, the apparatus forms additional processing comprising:

presenting the check information to the Automated Clearing House for a second presentment; and

notifying the merchant that the check was returned when it was first presented,

if the check is returned by the Automated Clearing House after the second presentment, the apparatus performs additional processing comprising the steps of:

determining why the check was returned;

notifying the merchant that the check was returned after the second presentment; and

debiting the merchant's account by the amount indicated in the check information.

39. (Amended) An apparatus comprising one or more computers capable of executing one or more programs to electronically clear and cash a check submitted to an on-line merchant from an on-line consumer by electronic means by carrying out the following steps:

accepting an input of check information submitted by a consumer;

verifying the accuracy of the check information;

presenting the check information for clearing through the Federal Reserve's Automated Clearing House;

debiting the consumer's checking account from which the check was drawn in an amount indicated in the check information; and

crediting the merchant's account in the amount indicated in the check information,

if the check is returned by the Automated Clearing House, additional processing is conducted to determine the reason why the check was returned,

if the reason for the return is that the consumer's checking account has insufficient funds or uncollected funds, the apparatus forms additional processing comprising:

presenting the check information to the Automated Clearing House for a second presentment; and

notifying the merchant that the check was returned when it was first presented,

if the check is returned by the Automated Clearing House after the second presentment, the apparatus performs additional processing comprising the steps of:

determining why the check was returned;

notifying the merchant that the check was returned after the second presentment; and

debiting the merchant's account by the amount indicated in the check information,

if the reason for the second return is that the consumers checking account has insufficient funds or uncollected funds, the apparatus performs additional processing comprising:

during a predetermined time period, attempting to verify whether the consumer's account has funds available; and

presenting the check information to the Automated Clearing House for a third presentment either when the predetermined time period has expired or when the consumer's account has funds available, whichever occurs first,

[The apparatus of claim 38] wherein the predetermined time period is between about thirty and sixty days.

43. (Amended) An apparatus comprising one or more computers capable of executing one or more programs to electronically clear and cash a check submitted to an on-line merchant from an on-line consumer by electronic means by carrying out the following steps:

accepting an input of check information submitted by a consumer;

verifying the accuracy of the check information;

presenting the check information for clearing through the Federal Reserve's Automated Clearing House;

debiting the consumer's checking account from which the check was drawn in an amount indicated in the check information; and

crediting the merchant's account in the amount indicated in the check information.

if the check is returned by the Automated Clearing House, additional processing is conducted to determine the reason why the check was returned,

if the reason for the return is that the consumer's checking account has insufficient funds or uncollected funds, the apparatus forms additional processing comprising:

presenting the check information to the Automated Clearing House for a second presentment; and

notifying the merchant that the check was returned when it was first presented.

if the check is returned by the Automated Clearing House after the second presentment, the apparatus performs additional processing comprising the steps of:

determining why the check was returned;

notifying the merchant that the check was returned after the second presentment; and

debiting the merchant's account by the amount indicated in the check information.

if the reason for the second return is that the consumers checking account has insufficient funds or uncollected funds, the apparatus performs additional processing comprising:

during a predetermined time period, attempting to verify whether the consumer's account has funds available; and

presenting the check information to the Automated Clearing House for a third presentment either when the predetermined time period has expired or when the consumer's account has funds available, whichever occurs first,

wherein the predetermined time period is between about thirty and sixty days, wherein the on-line merchant can access the one or more computers to obtain information regarding the status of one or more checks which the merchant has submitted,

[The apparatus of claim 42] wherein the merchant can determine whether or not a processing fee has been charged and the dollar amount of any such charge.

44. (Amended) An apparatus comprising one or more computers capable of executing one or more programs to electronically clear and cash a check submitted to an on-line merchant from an on-line consumer by electronic means by carrying out the following steps:

accepting an input of check information submitted by a consumer;

verifying the accuracy of the check information;

presenting the check information for clearing through the Federal Reserve's Automated Clearing House;

debiting the consumer's checking account from which the check was drawn in an amount indicated in the check information; and

crediting the merchant's account in the amount indicated in the check information.

if the check is returned by the Automated Clearing House, additional processing is conducted to determine the reason why the check was returned,

if the reason for the return is that the consumer's checking account has insufficient funds or uncollected funds, the apparatus forms additional processing comprising:

presenting the check information to the Automated Clearing House for a second presentment; and

notifying the merchant that the check was returned when it was first presented.

if the check is returned by the Automated Clearing House after the second presentment, the apparatus performs additional processing comprising the steps of:

determining why the check was returned;

notifying the merchant that the check was returned after the second presentment; and

debiting the merchant's account by the amount indicated in the check information.

if the reason for the second return is that the consumers checking account has insufficient funds or uncollected funds, the apparatus performs additional processing comprising:

during a predetermined time period, attempting to verify whether the consumer's account has funds available; and

presenting the check information to the Automated Clearing House for a third presentment either when the predetermined time period has expired or when the consumer's account has funds available, whichever occurs first,

wherein the predetermined time period is between about thirty and sixty days,

wherein the on-line merchant can access the one or more computers to obtain information regarding the status of one or more checks which the merchant has submitted,

[The apparatus of claim 42] wherein the merchant can obtain a history of the processing of a check submitted to the on-line check cashing system.

48. (Amended) An article of manufacture comprising a computer program carrier readable by a computer and embodying one or more instructions executable by the computer to perform method steps for electronically clearing and cashing a check submitted to an on-line merchant from an on-line consumer by electronic means, the method comprising the steps of:

accepting the input of check information submitted by a consumer;

verifying the accuracy of the check information;

evaluating the consumer's check writing history by accessing a database of bad check writers;

verifying the check information to ensure that the bank routing number submitted by the consumer is valid and correct,

[The article of manufacture of claim 46] wherein if the routing number provided by the consumer is a correct paper routing number, but not a correct electronic routing number, an additional step of modifying the check information to substitute the correct electronic routing number for the paper routing number provided by the consumer is performed[.];

presenting the check information for clearing through the Federal Reserves' Automated Clearing House;

debiting the consumer's checking account from which the check was drawn in an amount indicated in the check information; and

crediting the merchant's account in the amount indicated in the check information.

49. (Amended) An article of manufacture comprising a computer program carrier readable by a computer and embodying one or more instructions executable by the computer to perform method steps for electronically clearing and cashing a check submitted to an on-line merchant from an on-line consumer by electronic means, the method comprising the steps of:

accepting the input of check information submitted by a consumer;

verifying the accuracy of the check information;

presenting the check information for clearing through the Federal Reserves' Automated Clearing House;

debiting the consumer's checking account from which the check was drawn in an amount indicated in the check information; and

crediting the merchant's account in the amount indicated in the check information.

[The article of manufacture of claim 45] wherein if the check is returned by the Automated Clearinghouse, additional processing is conducted comprising the step of determining the reason why the check was returned.